

APPENDIX A.

Constitutional and Statutory Provisions Involved.

CONSTITUTION OF THE UNITED STATES.

AMENDMENT I.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

AMENDMENT V.

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation."

AMENDMENT XIV.

Section 1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, lib-

erty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

UNITED STATES CODE TITLE 28.

§ 2106 *Determination* "The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree or order, or require such further proceedings to be had as may be just under the circumstances. June 25, 1948, c. 646, 62 Stat. 963.

FEDERAL RULES OF CIVIL PROCEDURE.

RULE 60(b).

MISTAKES; INADVERTENCE; EXCUSABLE NEGLECT; NEWLY DISCOVERED EVIDENCE; FRAUD, etc. "On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic) misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. The motion shall be made within a reasonable time, and for reasons

(1), (2), and (3) not more than one year after the judgment, order, or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order or proceeding, or to grant relief to a defendant not actually personally notified as provided in Title 28, U. S. C., § 1655, or to set aside a judgment for fraud upon the court. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action. As amended Dec. 27, 1946, eff. March 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949."

GEORGIA CODE ANNOTATED.

§ 26-2101 (340 P. C.)

LIBEL DEFINED; PUNISHMENT.—A libel is a malicious defamation, expressed either by printing or writing, or signs, pictures or the like, tending to blacken the memory of one who is dead, or the honesty, virtue, integrity, or reputation of one who is alive and thereby expose him to public hatred, contempt, or ridicule. Every person convicted of this offense shall be punished as for a misdemeanor. (Cobb. 812.)

§ 27-2506 (1065 P. C.)

MISDEMEANORS, HOW PUNISHED.—Except where otherwise provided, every crime declared to be a misdemeanor shall be punished by a fine not to exceed \$1,000, confinement in the county or other jail not to exceed six months, to work on the public works in such public works camp or

other appropriate institution under the jurisdiction of the State Board of Corrections not to exceed 12 months, any one or more of these punishments in the discretion of the trial judge. (Acts 1865-6, p. 233; 1878-9, p. 54; 1895, p. 64; 1908, p. 1119; 1956, pp. 161, 168; 1957, pp. 477, 482.)

§ 32-101

CREATION OF BOARD OF REGENTS. CORPORATE NAME OF TRUSTEES OF UNIVERSITY OF GEORGIA CHANGED.—There is hereby constituted a department of the State Government of Georgia, to be known as the "Board of Regents of the University System of Georgia." The name of the corporation heretofore established and existing under the name and style, "Trustees of the University of Georgia," is hereby changed to "Regents of the University System of Georgia" (Acts 1931, pp. 7, 20).

§ 32-113

GOVERNMENT OF UNIVERSITY OF GEORGIA.—The management and government of the University of Georgia, and all of its branches named in section 32-103 are vested in the Board of Regents (Acts 1931, pp. 7, 21).

§ 105-1801 (4488)

PLEA OF AUTHORITY UNDER LAW; EFFECT AS TO RIGHT TO OPEN AND CONCLUDE.—In every case of tort, if the defendant was authorized by law to do the act complained of, he may plead the same as a justification; by such plea he admits the act to be done, and shall be entitled to all the privileges of one holding the affirmative of the issue; but such plea shall not give to the defendant the right to open and conclude the argument before the jury, unless it shall be filed before the plaintiff submits any evidence to the jury trying the case (Acts 1888, p. 35).